HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26391 of 2006

Dated:26.12.2006

Between:

Md.Jabbar.

…Petitioner

and

The Sub-Registar.

…Respondent

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.26391 of 2006

ORDER:

The petitioner is a resident of Hyderabad. It is his case that the land admeasuring Ac.1.03 guntas and Ac.1.12 guntas in Survey Nos.316/P and 317 situated at Anmagal Hayathnagar Village, Hayathnagar Mandal in Ranga Reddy District, was classified as Inam Land, that the competent authority, after due enquiry, granted Occupancy Rights Certificate in favour of one Md.Abdul Nabi and others, whose names were also entered in the revenue records as pattadars and possessors and were enjoying the same as absolute owners, that the petitioner along with Smt. Salma Begum purchased the said land from them on 05.10.2006 through their registered General Power of Attorney holders, and also executed a sale deed. The petitioner alleges that when the said document was presented before the respondent, even after paying the necessary registration charges, the respondent is not registering the document and just kept the same in abeyance on the ground that the subject property is a Government land, aggrieved by which, the present Writ Petition is filed.

Heard the learned Counsel for the petitioner and the learned Assistant Government Pleader for Revenue (General). It is no doubt true that when a document is presented, it is incumbent on the part of the Registering Officer to examine the same with reference to Sections 31 to 36 of the Registration Act, 1908 (the Act, for brevity) and/or Rules 26 and 58 of the Andhra Pradesh Rules under the Act. This aspect of the matter was considered by my learned brother Hon'ble Sri Justice A.Gopal Reddy in W.P.No.15199 of 2004, dated 01.09.2004.

Following the above, this Writ Petition is disposed of directing the respondent or any other Registering Officer to accept the document presented by the petitioner and consider for registration. Be it noted, if for

any reason, the document presented is not registered, it is incumbent on the part of the Registering Officer to record and furnish reasons under Section 71 of the Act. Even thereafter, if the petitioner has any grievance, he may file appeal before the Appellate Authority under Section 72 of the Act. Thereafter, if any adverse order is passed by the Appellate Authority, the petitioner can file a suit under Section 77 of the Act. No costs.

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(V.V.S.RAO, J)

26.12.2006
vs